

PLANNING COMMISSION MINUTES

November 13, 2002

CALL TO ORDER:

Chairman Vlad Voytilla called the meeting to order at 7:00 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

ROLL CALL:

Present were Chairman Vlad Voytilla, Planning Commissioners Bob Barnard, Gary Bliss, Dan Maks, Shannon Pogue and Scott Winter. Planning Commissioner Eric Johansen was excused.

Development Services Manager Steven Sparks, AICP; Senior Planner Kevin Snyder; Senior Planner Alan Whitworth; Project Consultant Bev Bookin; Assistant City Attorney Ted Naemura; and Recording Secretary Sandra Pearson represented staff.

The meeting was called to order by Chairman Voytilla, who presented the format for the meeting.

VISITORS:

Chairman Voytilla asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There were none.

STAFF COMMUNICATION:

Senior Planner Kevin Snyder indicated that there were no communications.

NEW BUSINESS:

Chairman Voytilla opened the Public Hearing and read the format for Public Hearings. There were no disqualifications of the Planning Commission members. No one in the audience challenged the right of any Commissioner to hear any of the agenda items, to participate in the hearing or requested that the hearing be postponed to a later date. He

asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda. There was no response.

PUBLIC HEARINGS:

A. CPA 2002-0011/RZ 2002-0022 – 14305 SW MILLIKAN WAY LAND USE MAP AMENDMENT AND REZONE

This proposal is to amend the Land Use Map in the Comprehensive Plan and Zoning Map to designate one lot comprised of two tax parcels being annexed into the City, by a separate process, Station Community (SC) on the Land Use Map and Station Community: Employment (SC:E) Subarea 1 on the Zoning Map in place of the current Washington County designation of Transit Oriented: Employment (TO:EMP). Their tax lots identifications are 1S109CB 00900 and 1S109CC 04500.

Commissioners Bliss and Winter both indicated that they had visited the site and had no contact with any individual(s) with regard to these applications.

Chairman Voytilla and Commissioners Barnard, Pogue and Maks all indicated that while they had not visited, they are familiar with the site and had not had any contact with any individual(s) with regard to these applications.

Senior Planner Alan Whitworth presented the Staff Report and offered to respond to questions.

PUBLIC TESTIMONY:

No member of the public testified with regard to these applications.

Assistant City Attorney Naemura indicated that he had no comment with regard to these applications.

All Commissioners indicated that they are comfortable with both applications that meet applicable criteria and expressed their support of a motion for approval.

Commissioner Pogue **MOVED** and Commissioner Barnard **SECONDED** a motion to approve CPA 2002-0011 – 14305 SW Millikan Way Land Use Map Amendment, based upon the testimony, reports and exhibits, and new evidence presented during the Public

Hearing on the matter, and upon the background facts, findings and conclusions found in the Staff Report dated October 24, 2002.

Motion **CARRIED**, by the following vote:

AYES: Barnard, Bliss, Maks, Pogue, Voytilla, and Winter.
NAYS: None.
ABSTAIN: None.
ABSENT: Johansen.

Commissioner Pogue **MOVED** and Commissioner Barnard **SECONDED** a motion to approve RZ 2002-0022 – 14305 SW Millikan Way Rezone, based upon the testimony, reports and exhibits, and new evidence presented during the Public Hearing on the matter, and upon the background facts, findings and conclusions found in the Staff Report dated October 24, 2002.

Motion **CARRIED**, by the following vote:

AYES: Barnard, Bliss, Maks, Pogue, Voytilla, and Winter.
NAYS: None.
ABSTAIN: None.
ABSENT: Johansen.

7:09 p.m. – Mr. Whitworth left.

OLD BUSINESS:

CONTINUANCES:

A. TA2002-0001 – CHAPTER 60 (Special Requirements), CHAPTER 20 (Land Uses), CHAPTER 40 (Permits and Applications), AND CHAPTER 90 (Definitions) TEXT AMENDMENTS

This is a request for Planning Commission approval of a City-initiated series of amendments to sections of the Development Code for the implementation of regulations and standards for wireless communications facilities. Wireless communication facilities include, but are not limited to, cellular phone towers, antenna panels and arrays, and satellite dishes. The amendments to Chapter 60 will create a new section, and will modify the special use regulations for height exemptions. The new section in Chapter 60 will establish applicability standards, exemptions, development standards including but not limited to standards for height, setbacks, and design, special study

1 requirements, temporary use standards, collocation standards and
2 standards for abandoned facilities. Text amendments to Chapter 20
3 (Land Uses), Chapter 40 (Applications), and Chapter 90 (Definitions) are
4 also proposed to support the implementation of the proposed regulations
5 and standards for wireless communications facilities. Amendments to
6 Chapter 20 (Land Uses) are necessary to address the permitted,
7 conditional and prohibited use status of wireless communication
8 facilities in established zoning districts. Amendments to Chapter 40
9 (Applications) are necessary to identify the applicable permit
10 applications for the different types of wireless communication facilities
11 specified in the new section of Chapter 60. Amendments to Chapter 90
12 (Definition) are necessary to define key terms specific to wireless
13 communication facilities identified in the new section of Chapter 60.
14

15 Mr. Snyder presented the Staff Report and introduced Bev Bookin,
16 Project Consultant representing *The Bookin Group*, and Development
17 Services Manager Steven Sparks, and provided copies of several
18 documents, as follows:
19

- 20 • Staff Memorandum from Senior Planner Kevin Snyder, dated
21 November 13, 2002, regarding a Proposed Minor Revision to
22 Proposed Section 60.70.25.1.E;
- 23 • Communication from Kevin J. Martin, Professional Consulting
24 Services/Telecommunication Facility Siting and Land Use and
25 Regulatory Analysis, dated November 12, 2002, regarding
26 Proposed Wireless Communications Facilities Text Amendments;
27 and
- 28 • Staff Memorandum from Senior Planner Kevin Snyder, dated
29 November 3, 2002, regarding Potential Modifications to Proposed
30 Regulations for Amateur Radio Facilities.
31

32 Mr. Snyder briefly described the procedure for this hearing, pointing out
33 that a Policy Issues Primer, dated November 13, 2002, had been
34 distributed the previous day, adding that this information would be
35 available in color through a Power Point presentation. He discussed two
36 separate meetings with interested parties regarding this issue, on
37 September 26, 2002, and October 15, 2002, resulting in several revisions
38 to the proposed text, observing that these results have been presented
39 within both the Supplemental Staff Report and the proposed revised
40 text. He provided copies of additional information, as follows:
41

- 42 • Staff Memorandum, dated November 6, 2002, from Senior
43 Planner Kevin Snyder, providing additional background
44 information for the continued Public Hearing; and

- Staff Memorandum, dated November 4, 2002, from Senior Planner Kevin Snyder, providing a proposed minor revision to Section 60.70.50.5.

Mr. Naemura pointed out that the issue of amateur radio is not a great regulatory concern with regard to this specific ordinance, observing that there are three different degrees of regulation with regard to facilities that are not covered by exceptions in State and Federal law, specifically no regulation, some regulation, and a comprehensive regulation scheme. Referring to a model ordinance provided by Phillip Kane, who has attended all of the meetings regarding this issue, he noted that staff's proposal borrows heavily from this model ordinance.

Mr. Snyder noted that a great deal of information had been provided at the September 11, 2002 meeting and through the Supplemental Staff Report and related documents. Observing that staff fully appreciates and understands that the Planning Commission might need an appropriate amount of time to review and discuss this information in order to make a well-informed recommendation, he pointed out that an additional meeting might be necessary in order to achieve this goal and suggested that additional public testimony be permitted at this hearing. He explained that this proposal had provided somewhat of what he referred to as a "bridging opportunity" between the retirement of the prior Development Code and the adoption of the new Development Code on September 19, 2002, emphasizing that this had included some substantial modifications.

Mr. Snyder noted that while the proposed text amendments are to be reviewed under the prior Development Code, in recognition of the fact that these regulations would be adopted concurrent with regulations effective since September 19, 2002, staff has utilized Development Code references that are effective at this time with the current Development Code. He emphasized that although this may cause some confusion, the proper procedure is being followed for purpose of consistency with the new Development Code.

Commissioner Bliss requested clarification with regard to why staff is addressing wireless towers without providing any consideration for radio towers, expressing his opinion that television also relates to radio.

Observing that this issue had been discussed briefly on September 11, 2002, Mr. Snyder referred to Development Code Section 60.70.10.2, which states that regulation contained in this section do not apply to AM or FM. radio broadcast towers and equipment or television broadcast

1 towers and equipment as regulated by the Federal Communications
2 Commission (FCC). He explained that staff's intent in proposing that
3 applicability statement was the recognition that towers for television
4 and radio broadcast purposes have land use compatibility issues and
5 design issues that are unique unto themselves, adding that staff
6 proposes to develop appropriate regulations to address these unique
7 issues at a later date that would be separate from the Wireless
8 Communications Facilities. He noted that staff has determined that
9 television satellite dishes fall under a reasonable purview of Wireless
10 Communications Facilities, adding that in addition to being utilized for
11 television broadcasting purposes, they are also utilized for transmitting
12 and receiving data for entities such as *Chevron*.

13
14 Development Services Manager Steven Sparks pointed out that staff
15 had utilized the 1996 Telecommunications Act as a basis from which to
16 build, emphasizing that the Act specifically addresses cellular providers
17 as well as satellite dishes. It also provides an exemption for satellite
18 dishes for residential areas that are a meter or less in size.

19
20 Commissioner Maks commended Mr. Snyder for preparation of the
21 information and identification of the policy issues. Referring to page 7 of
22 the Staff Report, which addresses roofline antenna extensions, he
23 requested clarification of whether staff is referencing height of a tower
24 or a structure within that zoning district.

25
26 Mr. Snyder advised Commissioner Maks that the intent references the
27 height of a building or structure, not necessarily for the purposes of a
28 Wireless Communications Facility.

29
30 Commissioner Maks referred to page 80 of 96 of the Staff Report,
31 specifically Section 60.70.35.F, requesting clarification with regard to
32 why a WCF could not be attached to a tree.

33
34 Mr. Snyder advised Commissioner Maks that staff believes that
35 attaching a WCF to a tree is inappropriate, emphasizing that this action
36 might cause damage to the continued health and viability of the tree.
37 He pointed out that most jurisdictions analyzed by staff have initiated
38 this prohibition, emphasizing that this is also consistent with City
39 policies with regard to the protection and enhancement of trees, adding
40 that this would be applicable to all types of trees.

41
42 Commissioner Maks referred to page 83 of 96 of the Staff Report, which
43 addresses new stealth design issues, noting that he would like better
44 clarification within the definition for stealth design. He emphasized

1 that the words “hidden” and “undetectable” are definitive, noting that
2 this indicates that the facility would not be visible.

3

4 Observing that he recognizes Commissioner Maks’ concerns, Mr. Snyder
5 suggested the possibility of making revisions to create a more specific
6 and appropriate definition.

7

8 Referring to page 85 of 96 of the Staff Report, Commissioner Maks
9 questioned whether it is mandated that this criterion be met.

10

11 Mr. Snyder stated that this criterion is mandated, as proposed,
12 observing that this illustrates one of the complexities with regard to
13 collocation. Noting that the intent of collocation is to provide the
14 capacity for more than one set of antenna arrays, he pointed out that
15 this could require towers that are somewhat taller as a result of the
16 need for appropriate spacing.

17

18 Referring to page 89 of 96 of the Staff Report, which addresses
19 collocation protocol, Commissioner Maks requested clarification of the
20 statement indicating that collocation might not be feasible for technical
21 or business reasons, specifically business reasons.

22

23 Bev Bookin, Consultant representing *The Bookin Group*, explained that
24 it is her understanding with regard to a collocation agreement that the
25 agreement between the owner of the tower and the collocater is a private
26 agreement, emphasizing that the City of Beaverton is not a party to this
27 agreement. She clarified that the City of Beaverton is unable to dictate
28 that contract, observing that there are all sorts of technological issues
29 involved.

30

31 Mr. Snyder responded that while the City of Beaverton is able to
32 regulate the design of a tower to provide collocation opportunity, there is
33 no ability to regulate these parties to enter into such an agreement. He
34 emphasized that the intent is to encourage the providers to create the
35 capacity and opportunity for collocation.

36

37 Ms. Bookin pointed out that although the financial incentives are
38 available for collocation, the City of Beaverton does not have the ability
39 to dictate this private agreement.

40

41 Commissioner Maks described the potential for the owner of a monopoly
42 to establish an excessive cost for collocation, emphasizing that this
43 would discourage other providers from collocating and would not serve
44 the City of Beaverton

1 Mr. Snyder observed that this is a valid point, noting that staff would
2 attempt to balance the interests to include compatible design that would
3 benefit the community while providing collocation opportunities,
4 emphasizing that this issue includes a free enterprise aspect over which
5 the City of Beaverton has no control.

6
7 Ms. Bookin clarified that the likelihood of a provider to continue to reject
8 all collocation offers is very slim, noting that this would decrease their
9 opportunities to collocate on the poles of other providers.

10
11 Mr. Snyder explained that collocation provides an opportunity that can
12 be utilized at the option of the providers.

13
14 Commissioner Barnard emphasized that this particular technology is
15 evolving to satellite based services.

16
17 Commissioner Bliss pointed out that he has some questions with regard
18 to the text within Staff Reports. Referring to page 17 of the Staff
19 Report, specifically the statement that the City is also pursuing the
20 undergrounding of existing utility poles, and requested clarification of
21 which poles are involved and in what manner they would be under
22 grounded.

23
24 Mr. Snyder observed that the City has initiated Code requirements with
25 regard to under grounding in new developments, adding that the City is
26 also interested in pursuing the under grounding of existing facilities
27 outside of the Development Review process.

28
29 Mr. Sparks noted that Mr. Snyder's statements are correct, emphasizing
30 that the main point is to emphasize that it is the City's policy to
31 underground utilities when feasible, particularly those utilities that are
32 located on existing power poles.

33
34 Commissioner Bliss referred to pages 20 and 21 of the Staff Report,
35 specifically Item Nos. 5 and 8, requesting clarification with regard to
36 whether these two items are in conflict with one another.

37
38 Mr. Snyder responded that these two items are not in conflict because
39 Item No. 5 references a section of the earlier draft of the Development
40 Code that had been modified, adding that this had been added for clarity
41 purposes.

42

1 **PUBLIC TESTIMONY:**

2
3 **RICHARD GLICK**, *Davis, Wright, Tremaine Law Firm* representing
4 *Meredith Corporation, Inc.*, expressed his opinion that television
5 broadcasting facilities are fundamentally different from these other
6 facilities that create aesthetic concerns, such as cellular towers and
7 antennas, addressed through this proposed text amendment. He
8 discussed various Policy Issues, observing that staff has basically
9 resolved his issues with regard to these issues. Concluding, he offered
10 to respond to questions.

11
12 Commissioner Bliss noted that he does not agree that television
13 facilities are aesthetically pleasing, adding that his familiarity with
14 the site at Cornell Oaks has shown him that this facility is visible from
15 Greenbrier and the surrounding properties, as well as Sunset
16 Highway, and expressed his opinion that this facility is an eyesore.

17
18 Mr. Glick pointed out that the nature of this technology is such that in
19 the future, rather than more and larger dishes at this facility, it is
20 likely that there would be fewer and smaller dishes. He expressed his
21 opinion that there is little possibility that the continued operation of
22 these two television studios would result in any change or increase in
23 the existing aesthetic effect mentioned by Commissioner Bliss. He
24 suggested that because television broadcasting is different in nature
25 than Wireless Communications Facilities and cellular towers, imposing
26 the same regulations does not appear to be what he considers a good
27 fit.

28
29 **KEVIN MARTIN**, Land Use Consultant, representing *AT&T Wireless*
30 *Services*, expressed his opinion that a great deal of progress has been
31 made since the first draft, adding that the majority of his issues had
32 been addressed. He noted that he has identified several issues that
33 have not yet been satisfactorily addressed, pointing out that he has
34 included his comments in the Staff Report. Referring to page 7 of the
35 Staff Report, which addresses how high above the rooftop antennas
36 should be allowed to extend, he pointed out that most jurisdictions
37 establish these standards regardless of the underlying zone, adding
38 that the normal standard is generally between ten and 25 feet in
39 height. He emphasized that while towers have been known to bend or
40 twist, he is not aware of any documented case of any cellular monopole
41 of any type falling over, adding that the base is the strongest point in
42 the tower. Concluding, he offered to respond to questions.

43

1 Commissioner Bliss advised Mr. Martin that he had stepped on
2 hallowed ground, adding that as a professional engineer, he takes
3 issue with his comments. He explained that in order to be an engineer
4 within either the State of Oregon or the State of Washington, an
5 individual has to be licensed, adding that a professional engineer
6 practices only in those areas in which they are competent, although
7 this does not relieve this individual from becoming educated with
8 regard to other areas.

9
10 Mr. Martin pointed out that the tower is designed by a licensed
11 professional structural engineer, emphasizing that it is required that
12 these designs be stamped.

13
14 Commissioner Bliss stated that while monopoles are not designed to
15 fall down, neither are bridges, buildings, or retaining walls, adding
16 that because everyone knows that this has occurred, these facilities
17 should be designed to make certain that nothing will be hit.

18
19 Mr. Martin recommended that a tower should be required to meet the
20 setbacks of the underlying district, adding that this facility should be
21 set back a distance equaling 100% of the height from any residential
22 dwelling on an adjoining property. He expressed his opinion that in
23 the sake of fairness, the City of Beaverton should not impose a greater
24 burden on a wireless structure than would be imposed upon a tall
25 building.

26
27 Commissioner Bliss advised Mr. Martin that his point is well taken,
28 and referred to page 8 of the Staff Report, which addresses allowing
29 mounting on high voltage towers. Observing that he is not opposed to
30 this, he pointed out that he would like further clarification with regard
31 to antenna extensions.

32
33 Mr. Martin briefly discussed the equipment involved and extensions
34 necessary to provide adequate service.

35
36 Emphasizing that he would not change his mind with regard to roof
37 antennas, Commissioner Maks referred to page 7 of the Staff Report,
38 observing that he does not consider the lattice and guyed to be
39 obtrusive. Pointing out that the City of Beaverton does not allow roof
40 signs, he added that he does not know why they would allow the 10-
41 foot or 15-foot panels, even if they were the same color as the roof.
42 Observing that many of the equipment shelters exist throughout the
43 City, he requested clarification with regard to the height necessary to
44 make those work.

1 Emphasizing that there is no established height with regard to the
2 operation of these equipment shelters, Mr. Martin stated that this is
3 dependent upon how far back from the edge of the building as well as
4 how high it is possible to get relative to the edge of the building.
5 Referring to a newer building on Highway 26, he mentioned that the
6 antennas were originally located on the parapet on the edge right on
7 the freeway, adding that a month later he noticed that they had been
8 screened, which is another option. He discussed to a five-story
9 penthouse bank building located on the corner of SW Hall Boulevard
10 and SW Center Street, observing that antennas have been installed on
11 that equipment penthouse.

12
13 Commissioner Maks stated that he supports the lattice support towers
14 and poles, noting that he has been observed that he has been informed
15 that a cell tower would collapse into itself.

16
17 Mr. Martin advised Commissioner Maks that no engineer has ever told
18 him that this is the case.

19
20 Commissioner Barnard stated that he concurs with most of Mr.
21 Martin's responses, suggesting that roof antennas greater than four-
22 feet in height above the roofline should be appropriately screened for
23 stealth design, with a maximum height of 20-feet.

24
25 Mr. Martin expressed his opinion that this would provide some
26 flexibility, adding that there would be some limitation with regard to
27 how high the screening material could be projected. He pointed out
28 that this basically involves the suspension of plastic sheets in the air,
29 noting that support posts would be necessary as well.

30
31 Commissioner Bliss noted that now that he had been provided with an
32 opportunity to review further information he is not as staunch with
33 regard to his prior stance on this issue.

34
35 Mr. Martin explained that most likely because trigonometry and
36 geometry are involved, like art, this is difficult to regulate.

37
38 Commissioner Bliss agreed that the technology is more of an art than a
39 science, and requested clarification with how to be certain whether he
40 is being told the truth with regard to photo-simulation. He expressed
41 concern with determining whether an individual has appropriate
42 qualifications for designing these facilities.

43

1 **TY WYMAN**, *Dunn, Carney, Allen*, representing *Sprint PCS*, noted
2 that he feels compelled to provide what he referred to as a bit of a war
3 story for Commissioner Bliss. Observing that one of his cellular tower
4 permits had been contested by the City of Portland staff, he pointed
5 out that this issue had involved a debate with regard to the accuracy of
6 the photo-simulations that had been submitted by the applicant. He
7 mentioned that the City of Portland had eventually provided separate
8 photo-simulations, noting that Commissioner Bliss' concern is well
9 taken. Referring to the Telecommunications Act of 1996, he pointed
10 out that increasingly, by example, it had been determined that an
11 adjustment process would be necessary. He discussed the necessity of
12 making certain that all gaps in service are fulfilled, noting that this
13 might mean that Federal law overrides any local code and require that
14 this tower must be permitted. Cell tower farm. He suggested that
15 while the City of Beaverton should proceed with relatively tight
16 restrictions, there should be some understanding with regard to an
17 opportunity for a clear adjustment process.

18
19 Commissioner Bliss mentioned that he had been unwillingly dragged
20 into a situation in which he has been forced to utilize a cellular
21 telephone, noting that his employer had insisted. Emphasizing that he
22 is opposed to both cellular telephones and cellular towers, he pointed
23 out that he is not in a position to object. He expressed his opinion that
24 because this issue is neither exact nor infinitive, some type of an
25 adjustment process is necessary. Noting that 1,000 feet is the
26 equivalent of three City blocks, he stated that he is not able to approve
27 any cellular tower that is 1,000 feet in height, adding that a literal
28 forest of towers is unnecessary in any area. Observing that he had
29 recently traveled across the United States, he pointed out that while
30 he always had adequate service, he sometimes went for many miles
31 without viewing a cellular tower.

32
33 Mr. Wyman explained that a major difference between South Dakota
34 and Oregon involves the topography and population, as well as the
35 number of communications, noting that many of the towers that
36 Commissioner Bliss had observed were capacity towers, rather than
37 coverage towers.

38
39 Commissioner Mays noted out that the only hills in South Dakota are
40 the Mayor's driveway and the cemetery.

41
42 Commissioner Bliss questioned the possibility of devising some type of
43 matrix to allow a single tower to receive and transmit additional
44 communications.

1 Commissioner Maks questioned whether Mr. Wyman has reviewed the
2 City of Beaverton's adjustment process to determine whether it would
3 address situations anticipated by his client.
4

5 Mr. Wyman expressed his concern with the adjustment process,
6 observing that the basis for an adjustment with regard to cellular
7 towers involves a very specific set of technical criteria that results in a
8 gap in service that his client is unable to address. He agreed that the
9 City of Beaverton should adopt an aggressive minimum separation
10 requirement, emphasizing that very few sites that meet all applicable
11 criterion.
12

13 9:04 p.m. to 9:12 p.m. – recess.
14

15 **CATHERINE ARNOLD** provided a copy of a document she had
16 submitted in September 2002, observing that it includes both a basic
17 summary and a request for a continuance. Observing that these issues
18 had been discussed at the NAC Meetings scheduled in October 2002,
19 she expressed her opinion that because there did not appear to be any
20 great amount of concern, staff had done an adequate job. She
21 explained that the only comments that had been received had
22 addressed health issues, and what would occur if industry changes and
23 the City of Beaverton is left with a bunch of towers. Observing that
24 the health issue is currently regulated at the Federal level, she noted
25 that the majority of the emissions that are generated by towers are
26 well below the Federal guidelines. She discussed the issue of
27 abandoned towers, noting that the leasing agreements include what is
28 referred to as a *Faithful Performance Bond*, which provides for a
29 recovery of up to \$10,000 for conditions that are not met. She
30 expressed her appreciation of the efforts of Mr. Snyder, adding that she
31 still has concerns with the issue of expansion of antennas into public
32 right-of-way.
33

34 Chairman Voytilla questioned the number of notifications that had
35 been sent out to the NAC Chairs.
36

37 Ms. Arnold advised Chairman Voytilla that she has a copy of the e-
38 mail she had distributed, noting that all but one NAC Chair had been
39 contacted.
40

41 Mr. Snyder commented that it is necessary to point out that the
42 proposed text amendments distinguish between public rights-of-way
43 and those rights-of-way that are owned and/or operated by other
44 entities such as Bonneville Power Administration (BPA) or Portland

1 General Electric (PGE). He pointed out that the proposed standards
2 regulating antenna height relates back to the stealth design standards
3 in Section 11.B, which addresses screening. Observing that the use of
4 the term “qualified individual” is a subjective term, he expressed his
5 opinion that this could cause confusion in the Development Review
6 process, and suggested that this term should be quantified to provide
7 that a “qualified individual” would be any individual who has
8 demonstrated experience via a submitted resume in the preparation of
9 photo-visual simulations. Expressing his appreciation of Mr. Wyman’s
10 concerns with regard to the issue of factors that could limit or prohibit
11 utilization of a particular site, he explained that page 12 of the primer
12 provides discussion concerning the minimum separation requirement.
13 Nothing that the proposed text amendments do not propose any type of
14 outright prohibition with regard to the siting and installation of
15 Wireless Communications Facilities in the City of Beaverton, he
16 explained that no proposed section of these text amendments includes
17 any statement indicating that something is prohibited. He emphasized
18 that the intent to provide an incentive-based set of regulations that
19 encourage, through a reduced permitting process, the alternatives to
20 the installation of towers, including collocation or siting on existing
21 structures. He mentioned that he would like to take this opportunity
22 to offer definition language for stealth design, noting that an
23 alternative introductory element to that definition could read, as
24 follows: “The design of Wireless Communication Facilities in a manner
25 that camouflages, conceals, or disguises the facilities as described
26 below,” at which point greater detail would be provided, adding that
27 other definition opportunities that could be explored.

28
29 Mr. Sparks noted that the issue in terms of a requirement for a photo
30 survey is an attempt to obtain an accurate representation for the
31 neighborhood and decision-making body to understand visually what
32 would be created as a result of a new tower. He discussed methods for
33 determining the visual impact of any new facility, observing that there
34 are several existing antennas located on lattice towers throughout the
35 City of Beaverton with approximately two feet or so extending beyond
36 the existing height of a tower right next to the wire conducting the
37 electricity, emphasizing that he is not aware of any examples in which
38 the antenna extends beyond the existing lattice towers. Observing
39 that Mr. Snyder had addressed the majority of the issues, he
40 mentioned that there are two concluding comments he would like to
41 make. With regard to the Policy Issues, he pointed out that staff has
42 different stances on each policy, some stronger than others, suggesting
43 that these could be discussed. Referring to Policy Issue No. 5, he noted
44 that staff has no particular stance with regard to this issue of distance.

1 Concluding, he explained that staff would recommend that the
2 Planning Commission at least reach a preliminary conclusion with
3 regard to the text and have a discussion with regard to what would be
4 an appropriate course of action, at which time the item would be
5 continued to a date certain for final review and hopefully approval.

6
7 The public portion of the Public Hearing was closed.

8
9 Mr. Naemura indicated that he had no comments at this time.

10
11 Chairman Voytilla observed that he would like to take this opportunity
12 to review the individual policy issues for consensus.

13
14 *Policy Issue No. 1 -- Proposed Prohibition for "Top Hat" Antenna*
15 *Arrays: Considerations*

16
17 Referring to the first bullet, Commissioner Maks emphasized that he
18 would not approve any top hat antenna at any location under any
19 circumstances.

20
21 Commissioner Pogue pointed out that he had observed some very
22 unattractive top hats in Texas, adding that he is not referring to 10-
23 gallon hats. He requested clarification with regard to whether
24 collocation is possible on the top hat antennas.

25
26 Ms. Bookin advised Commissioner Pogue that examples are readily
27 available throughout the region, particularly on the highway system,
28 observing that these examples include both double and triple top hats.

29
30 Mr. Pogue stated that while he is opposed to top hat antennas in
31 residential areas, he would be willing to consider the option of
32 industrial areas.

33
34 Referring to the second bullet, Commissioner Maks expressed his
35 agreement with staff with regard to a maximum number of two
36 antennas for each davit arm.

37
38 Commissioner Barnard pointed out that he agrees with the entire
39 policy statement as prepared by staff, including both bullets.

40
41 Chairman Voytilla expressed his approval of the entire policy
42 statement as prepared by staff, including both bullets.

43

1 Observing that he does not like top hat antennas, Commissioner
2 Winter stated that while he is actually not convinced either way, he
3 agrees with Commissioner Pogue's statement that it might not be
4 inappropriate in an industrial area.

5
6 Commissioner Bliss stated that he is still not convinced and would like
7 further information with regard to spacing of the panels.

8
9 Mr. Snyder advised Commissioner Bliss that page 13 of the Primer
10 provides an example of the davit arm, observing that this serves
11 multiple purposes.

12
13 Ms. Bookin clarified that while the idea of changing from the top hat
14 antenna to the davit arm is to pull the array closer to the tower would
15 decrease the impact, this would also result in decreasing the capacity,
16 providing less bang for your buck on a pole. She suggested that the
17 provider should have the option of allowing the davit arm to dictate the
18 maximum that could be installed.

19
20 Commissioner Bliss expressed his opinion that if a top hat antenna is
21 not allowed, a davit arm with two antenna panels should not be
22 allowed either.

23
24 Mr. Snyder explained that staff had identified that the visual impact of
25 a top hat antenna is more substantial than that of a davit arm, adding
26 that the Planning Commission has the option of disagreeing with this
27 staff analysis. He pointed out that while staff feels strongly about the
28 prohibition on top hat antennas, they have not necessarily taken a
29 strong position with regard to limiting antenna arrays on davit arms,
30 adding that this should be considered for the purpose of providing
31 direction to staff

32
33 Commissioner Bliss stated that he agrees with his fellow
34 Commissioners that the top hat array would only be appropriate
35 within an industrial area, subject to performance standards, adding
36 that while he is perplexed with regard to the davit arm, he agrees that
37 they are less intrusive and concurs with staff on this issue.

38
39 Chairman Voytilla noted that it is conceivable that a provider would
40 attempt to locate a top hat array right on the edge of an industrially
41 zoned property, creating aesthetic issues within adjoining residential
42 areas.

43

1 Commissioner Maks emphasized that he does not approve of top hat
2 antennas at any location.

3
4 Chairman Voytilla pointed out that the visual impact could potentially
5 extend beyond the zone in which this use is allowed, and questioned
6 whether top hat antennas should be allowed within industrial zones.

7
8 Commissioner Maks reiterated that he does not approve of top hat
9 antennas at any location, adding that if he is in the minority, he does
10 not believe that standards should be imposed because they would not
11 reduce the impact.

12
13 Commissioner Pogue stated that he is primarily considering three
14 issues, as follows: 1) Providing service to the community; 2) Limiting
15 or discouraging the number of towers; and 3) Considering the
16 aesthetics of any proposal.

17
18 Commissioner Barnard stated that he does not approve of top hat
19 antennas and that he would prefer to allow current technology to
20 determine the amount of antennas to be located on one davit arm.

21
22 Chairman Voytilla expressed his disapproval of top hat antennas.

23
24 Commissioner Winter stated that he stands corrected and does not
25 approve of top hat antennas, adding that technology should determine
26 the number of antennas to be located on a davit arm.

27
28 Commissioner Bliss expressed his agreement with the comments of his
29 fellow Commissioners with regard to both top hat antennas and the
30 number of antennas to be allowed on davit arms.

31
32 *Policy Issue No. 2 -- Proposed Maximum Height Standards:*
33 *Considerations*

34
35 Referring to the first bullet, Commissioner Maks pointed out that one
36 of the residential areas he drives through on a daily basis has a gap
37 that would never be filled with a 60-foot pole, adding that while the
38 poles could be expanded through an adjustment process, he is opposed
39 to initiate a policy that does not work to begin with. He explained that
40 he would prefer to start with a realistic height, emphasizing that this
41 could be revised at some point. Referring to the second bullet, he
42 stated that he would like to approve 120-feet in an industrial zone.
43 Referring to the third bullet, he noted that he would be willing to
44 consider the antennas on an HVAC box or other device located on the

1 roof, adding that he would prefer not to exceed the height of the box,
2 which would not always be feasible. Referring to the fourth bullet, he
3 stated that he agrees with staff's recommendations.

4
5 Commissioner Pogue expressed his agreement with Commissioner
6 Maks with regard to the third bullet

7
8 With regard to the first bullet, Commissioner Barnard pointed out that
9 he does not see any difference between a 60-foot and an 80-foot tower,
10 emphasizing that he would prefer fewer taller towers. Referring to the
11 second bullet, he expressed his opinion that the height of the towers
12 should be greater, particularly within the industrial zones. Referring
13 to the third bullet, he noted that testimony has indicated that the
14 antenna would not operate adequately only two to four feet above the
15 building, emphasizing that whatever is included in the Development
16 Code has to function. He mentioned that while he is in favor of
17 screening, because screening does not affect the functioning of the
18 facility, the provider would not be in a hurry to correct any potential
19 problems with the screening. Referring to the fourth bullet, he pointed
20 out that he would like some assurance that whatever is put into place
21 is functional and operable.

22
23 Chairman Voytilla concurred with Commissioner Barnard's comments
24 with regard to the first, second and fourth bullets, adding that with
25 regard to the third bullet, in his opinion, screening is generally an
26 afterthought with regard to a facility. He suggested the possibility of
27 generalizing options for screening, expressing his opinion that the
28 provider should be allowed some discretion with regard to this issue.

29
30 Commissioner Winter expressed his agreement with the comments of
31 his fellow Commissioners, adding that due to limitations to the
32 capacity of the system, it is necessary to make every attempt to get the
33 best bang for the buck.

34
35 Commissioner Bliss stated that he concurs with the comments of his
36 fellow Commissioners with regard to the first, second and third bullets.
37 Referring to the fourth bullet, which addresses antennas with high
38 voltage, he expressed his opinion that staff should contact the
39 Transmission Division of PGE, as well as BPA, to obtain information
40 with regard to their established criteria. He noted that this would
41 provide some definitive information from which to make a decision.

42
43 Mr. Sparks clarified an earlier statement he had made, observing that
44 his intent had been to indicate the BPA, not PGE, lattice towers, and

1 discussed several lattice towers located throughout the City of
2 Beaverton.

3
4 Mr. Snyder reiterated that there appears to be consensus with regard
5 to the first bullet, which addresses height, adding that he had heard
6 suggestions of 80-feet (residential), 100-feet (commercial and multiple
7 use), and 120-feet (industrial).

8
9 Chairman Voytilla stated that although some of his fellow
10 Commissioners had suggested some specific heights, because this
11 involves technology issues with which he is not familiar, he does not
12 feel qualified to make this determination.

13
14 Commissioner Barnard noted that he concurs with Commissioner
15 Maks' statement that the tower could be regulated based upon the
16 applicable design code.

17
18 Commissioner Maks emphasized that it is necessary to have a number
19 as a basis from which to start. He requested clarification of whether
20 any application for a roof array would have to be a stealth design, and
21 specifically whether a non-stealth design is prohibited.

22
23 Mr. Snyder advised Commissioner Maks that as proposed at this time,
24 non-stealth design for attaching or incorporating into a building is
25 prohibited.

26
27 Observing that staff is willing to discuss applicable criteria with both
28 PGE and BPA, Mr. Snyder stated that staff would submit a
29 recommendation that the height for cellular towers be as proposed by
30 Commissioner Maks, adding that staff would conduct additional
31 research to determine whether there is any reasonable basis for
32 enlarging these standards. He emphasized that there is always an
33 opportunity to exceed those standards through the Adjustment and
34 Variance processes.

35
36 *Policy Issue No. 3 – Sheltering with Trees: Considerations*

37
38 Commissioner Maks stated that he disagrees with the entire policy
39 issue.

40
41 Commissioners Pogue, Barnard, Winter, and Bliss and Chairman
42 Voytilla all concurred with Commissioner Maks' statement disagreeing
43 with the entire policy issue.
44

1 Mr. Snyder clarified that the Planning Commission's direction to not
2 have any regulations with regard to requiring the sheltering of
3 Wireless Communications Facilities with trees.

4
5 *Policy Issue No. 4 – Stealth Design Standards: Considerations*

6
7 Commissioner Maks agreed with the first and second bullets.

8
9 Mr. Sparks pointed out that the City of Beaverton does regulate the
10 painting of buildings through the Design Review process, adding that
11 this would include cellular towers, adding that when an application is
12 not submitted, it becomes a Code Enforcement issue.

13
14 Commissioner Maks concurred with the third and fourth bullets,
15 adding that staff should make the determination with regard to the
16 fifth bullet.

17
18 Commissioner Pogue expressed his agreement with Commissioner
19 Maks' comments.

20
21 Commissioner Barnard pointed out that he is only concerned with the
22 two definitions with regard to the third bullet, adding that he concurs
23 with all five bullets.

24
25 Chairman Voytilla and Commissioner Winter expressed their
26 agreement with the statements of Commissioner Barnard.

27
28 Commissioner Bliss referred to the second bullet, requesting
29 clarification with regard to painting the pole the same color as the
30 building or structure when a brick building is involved.

31
32 Chairman Voytilla advised Commissioner Bliss that the paint should
33 be the same color as the brick.

34
35 Mr. Snyder clarified that the policy issue involves whether or not
36 painting meets the intent of stealth design.

37
38 Commissioner Bliss stated that he agrees with the first, second and
39 third bullets, adding that with regard to the fourth bullet, he would
40 refer to Development Code Section 60.70.35.11.A, suggesting that this
41 section should read *camouflage* rather than *camouflaged*. He stated
42 that he also agrees with the fourth and fifth bullets.

43

1 On question, Mr. Snyder advised Commissioner Bliss that the tower
2 located at 12650 SW 1st Street between Watson and Angel, as
3 illustrated on page 8, is under construction, adding that sleeves would
4 be placed over the facility.
5

6 Mr. Sparks pointed out that following a very long debate with regard
7 to whether flagpoles constitute stealth design, he would encourage the
8 Commissioners to actually visit the site on the corner of 1st Street and
9 Angel, adding that the existing flag pole design cellular tower is 64-
10 inches in diameter and tapers to 59-inches in diameter.
11

12 Mr. Snyder corrected Mr. Sparks, observing that the pole is actually
13 82-inches in diameter, tapering to 77-inches in diameter.
14

15 Commissioner Barnard suggested that this involves an issue for
16 Design Review.
17

18 Mr. Sparks pointed out other examples of flag poles, adding that his
19 professional opinion is that simply sticking something up in the air
20 does not involve stealth. Emphasizing that this is his professional
21 recommendation, he noted that reasonable people have the ability to
22 disagree.
23

24 Ms. Bookin mentioned that she would like to be on record as stating
25 that she has not taken any position in favor of either Mr. Sparks or Mr.
26 Snyder.
27

28 *Policy Issue No. 5 – Minimum Separation Distance Requirements:*
29 *Considerations*
30

31 Commissioner Maks stated that he does not want to require a
32 minimum separation between towers, consider a proper separation
33 distance, or consider an adjustment opportunity.
34

35 Commissioner Pogue expressed his agreement with Commissioner
36 Maks.
37

38 Commissioner Barnard expressed his agreement, adding that while he
39 does not think this separation is necessary, he does not want clusters
40 of towers in residential neighborhoods.
41

42 Mr. Snyder suggested that a policy could be developed to prohibit
43 clusters within residential areas.
44

1 Commissioner Maks pointed out that it is necessary to define the term
2 *cluster*.

3
4 Mr. Sparks stated that it would be necessary for staff to create a
5 definition for the term *cluster*, observing that this would include some
6 type of distance relationship and would specifically exclude collocation.

7
8 Mr. Snyder discussed the potential for clustering for the creation of
9 what he referred to as a *cell farm*, adding that this provides the
10 opportunity for these providers to locate on the same property or
11 properties, rather than spreading throughout the area.

12
13 Commissioner Maks requested clarification of whether the Planning
14 Commission has the ability to deny a cluster without actually
15 prohibiting them.

16
17 Chairman Voytilla pointed out that it would not be feasible to put an
18 applicant through that entire process only to be denied, adding that
19 while he does not feel that this policy issue is necessary, he would like
20 staff to provide a definition for the term *cluster*.

21
22 Commissioners Winter and Bliss expressed their agreement with
23 Chairman Voytilla.

24
25 *Policy Issue No. 6 – Specific Development Standards – Multiple Use*
26 *Zoning Districts: Considerations*

27
28 Commissioner Maks expressed his approval of the first, second, and
29 third bullets, adding that he does not approve of the fourth bullet.

30
31 Commissioner Pogue concurred with the first and second bullets,
32 adding that he has some concerns with the third bullet.

33
34 Mr. Snyder clarified the third bullet, explaining that the premise
35 involved is that because the Multiple Use zoning district is the highest
36 designed district within the City of Beaverton, the Policy Issue is
37 should this design priority be extended to the construction of cellular
38 towers and their associated equipment.

39
40 Commissioner Pogue concurred with the third bullet.

41
42 Commissioner Barnard stated that there are instances when property
43 is not considered appropriate to be designed for any other use due to
44 wetlands, trees, or other issues, and questioned whether an applicant

1 should be required to install a ten-foot masonry fence around a ten-
2 acre site.

3
4 Mr. Snyder agreed that this could have an unnecessary impact,
5 suggesting that this should be limited to the portion of the site that is
6 being affected.

7
8 Commissioner Barnard stated that he agrees with the other bullets.

9
10 Chairman Voytilla and Commissioner Winter expressed their
11 agreement with the comments of Commissioner Maks.

12
13 Commissioner Bliss concurred with the first bullet, adding that he does
14 not agree with the second bullet.

15
16 Mr. Snyder briefly explained the intent of the second bullet.

17
18 Expressing his opinion that the third bullet is onerous, Commissioner
19 Bliss stated that he is unable to agree, adding that while he concurs
20 with the fourth bullet, this should be conditioned for an appropriate
21 period of time.

22
23 Mr. Snyder explained the intent of the landscaping requirement,
24 adding that some of the providers had expressed concern with
25 imposing an unreasonable burden of maintenance responsibility.

26
27 Emphasizing that this entire discussion involves the Multiple Use
28 zoning designation, Mr. Sparks pointed out that this does not apply to
29 Residential, Commercial or Industrial zoning designations.
30 Expressing his opinion that staff is able to develop text that reflects
31 the direction of the Planning Commission, he suggested that due to the
32 lateness of the hour, it would be appropriate to continue this item and
33 discussion to the following week.

34
35 Commissioner Bliss suggested that staff review the issue that had
36 been mentioned with regard to Design Review Type 1.

37
38 Mr. Sparks advised Commissioner Bliss that staff would provide a
39 clean copy of this text, incorporating the changes that have been
40 agreed to tonight.

41
42 Commissioner Maks **MOVED** and Commissioner Barnard
43 **SECONDED** a motion to continue TA 2002-0001 – Chapter 60
44 (Special Requirements), Chapter 20 (Land Uses), Chapter 40 (Permits

1 and Applications), and Chapter 90 (Definitions) Text Amendments
2 until a date certain of November 20, 2002.

3

4 Motion **CARRIED**, unanimously.

5

6 **APPROVAL OF MINUTES:**

7

8 Approval of the minutes of the meeting of October 9, 2002, was
9 continued to the meeting of November 20, 2002.

10

11 Approval of the minutes of the meeting of October 23, 2002, was
12 continued to the meeting of November 20, 2002.

13

14 **MISCELLANEOUS BUSINESS:**

15

16 Chairman Voytilla noted that it is necessary to determine a date for
17 the annual holiday brunch.

18

19 The meeting adjourned at 10:57 p.m.